House of Assembly
Nova Scotia

Report

Commission of Inquiry
on
Remuneration of Elected
Provincial Officials

November 29, 1991

92-01513/

Commission of Inquiry
on
Remuneration of Elected Provincial Officials

Commissioners:

George M. Mitchell, Q.C.
George L. White, LL.B.

Secretary to the Commission:
Joan M. Kelly

Post Office Box 2630
Station "M"
Halifax, N.S.
B3J 3N5

424-4432

November 29, 1991

The Honourable Ronald S. Russell, C.D.
Speaker of the House of Assembly
Province House
Halifax, Nova Scotia

Dear Mr. Speaker:

We were appointed as Commissioners pursuant to S.55 of Chapter 210, Revised Statutes of Nova Scotia, 1989, to make an inquiry and a report respecting the indemnities, allowances and salaries to be paid under the House of Assembly Act and the Executive Council Act.

Having completed our inquiry, in fulfillment of the commission assigned, we respectfully submit the accompanying report.

Yours sincerely,

George M. Mitchell

George L. White

NOVA SCOTIA

COMMISSION OF INQUIRY

OF

REMUNERATION OF ELECTED

PROVINCIAL OFFICIALS

29 November 1991

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I. INTRODUCTION

The *House of Assembly Act* by virtue of Section 55 provides that the Speaker shall, on or before the first day of October in each year, appoint persons to make an inquiry and a report respecting indemnities, allowances and salaries to be paid under the *House of Assembly Act*, the *Executive Council Act*, and the *Members' Retiring Allowances Act*.

By way of a letter dated October 1, 1991, the Speaker confirmed the appointment of George M. Mitchell and George L. White as Commissioners to carry out the inquiry required by the *House of Assembly Act* and the *Executive Council Act*.

By way of a separate letter dated October 1, 1991, the Speaker confirmed the appointment of George L. White as Commissioner to inquire and report on all matters arising with respect to the *Members' Retiring Allowances Act*.

The inquiry required to be carried out pursuant to the *House of Assembly Act* and the *Executive Council Act* has this year been severely proscribed by the passage in the House of Assembly on July 11, 1991 of the *Public Sector Compensation Restraint Act*. This Act passed into law, the stated objective of the Government to freeze wages of public sector employees for a period of two years. Pursuant to Part 2, Section 13 of the Act, its application was extended to cover Ministers of the Crown and Members of the House of Assembly. Pursuant to Clause 14 of the Act the Indemnities, Allowances and Salaries paid pursuant to the *Executive Council Act* and the *House of Assembly Act* immediately before the coming into force of the Act, were to be continued until the 1st day of January, 1994 without change.

It is the opinion of your Commissioners that this legislation prevents them from making any change to any indemnities, allowances or salaries paid to Members of the Executive Council and Members of the Legislative Assembly for the years 1992 and 1993.

As a result of this legislation, your Commissioners did not hold a public hearing to obtain views of the public nor did it consult with Members of the Assembly or other

organizations in the Province such as the Boards of Trade, Chambers of Commerce or The Federation of Labour.

Nevertheless, the Commissioners felt that it was appropriate to have discussions with certain members of the staff of the Speaker's office to review any concerns which may have arisen in the past year, particularly with respect to the administration and support services for the work of private members and caucus offices. Also, as in previous years, we did receive representations from the office of the Legislative Counsel and the Legislative Library.

II. INDEMNITIES, ALLOWANCES AND SALARIES: BACKGROUND CONSIDERATIONS

1. Basic Indemnities, Allowances and Salaries for MLAs and Ministers

In its report filed on November 29, 1990, your Commissioners concluded that the indemnities of Members, together with their expense allowances, should remain the same in 1991 as it had been for the calendar year 1990. The same conclusion was reached with respect to salaries paid to office holders, including the Premier, Ministers, the Speaker, Leader of the Opposition, Leader of the Recognized Party and indeed other officers of the Assembly including the Clerk, Deputy Clerk and Sergeant-at-Arms.

For purposes of information, during the calendar year 1991, a Member of the House of Assembly was entitled to an Annual Indemnity of $30,130 together with an annual expense allowance of $15,065 for a total basic remuneration of $45,195. Under the provisions of the *Income Tax Act* (Canada) the annual expense allowance is not considered taxable income to the Member, and can amount to 50% of a Member's annual indemnity.

In addition, during 1991 salaries were paid to certain Members in relation to the important offices they held, as follows: to the Premier $52,102; a Minister having charge of a Department (i.e., a "Minister with portfolio") $37,055; a Minister without portfolio up to $37,055; the Speaker $37,055; the Leader of the Opposition $37,055; the Deputy Speaker $18,533; and the Leader of a Recognized Party, other than the Opposition, $18,533.

2. Additional Payments to Members for Services in the House

With respect to additional payments made to Members for services provided in the House, we propose no changes whatsoever.

III. REMUNERATION OF MLAs

As noted in the Introduction to this Report, your Commissioners, being bound by the *Public Sector Compensation Restraint Act*, make no recommendation or proposal with respect to any indemnity or allowance to be paid to Members of the Assembly for 1992, and their remuneration for next year shall be the same as it had been for 1991.

IV. ADMINISTRATION AND SUPPORT SERVICES

In the Report filed with the Speaker on November 29, 1990, provisions were made for support to Members for costs incurred in their constituency. These related generally to travel within their constituencies and the costs of operating constituency offices. Proposals which we made last year have been approved by the Legislative Internal Economy Board for 1991 and we make no further comment with respect to them.

In our last report, your Commissioners also proposed that outside Members be entitled to lease premises in the Halifax, Dartmouth, Metropolitan Area in lieu of finding accommodation in local area hotels during the time the House of Assembly is sitting and indeed at other times when the Members must come to Halifax. This proposal was accepted by the Internal Economy Board and we are advised that the approval of this proposal has resulted in a considerable saving in those costs normally incurred by the Speaker's office for accommodation expense.

The passage of the *Public Sector Compensation Restraint Act* is a manifestation of the fiscal difficulties with which this government and other governments across Canada are currently facing. Indeed your Commissioners would be insensitive if they were not aware of the problems being faced by all sectors of society with perhaps the exception of the extremely wealthy. This situation has tended to focus the attention of your Commissioners on the level of support provided to Members of the Assembly. We do recognize their peculiar needs but we also believe that during times of difficulty leadership must be provided by our elected Members.

For many years, it has been customary for Members of each standing, select and special committee of the Legislature, to be paid a fee of One Hundred Dollars for each day on which the Member attends a meeting of the committee when the Legislative Assembly is not sitting or the meeting is held outside the Halifax, Dartmouth, Metropolitan Area. This practice has been incorporated into the regulations of the Legislature Internal Economy Board. It is the view of your Commissioners that this provision which came into effect many years ago when the indemnities and expenses provided to Members was considerably less than it is today, may

be redundant. At a time when most Members of the Assembly are full-time members and all are well compensated, we see little need to provide additional compensation for the attendance by a Member at a committee meeting. The attendance at these meetings is part and parcel of the job of being an effective Member of the House of Assembly.

We propose the following:

P-1 The provision for the payment of $100.00 for each day on which a Member attends a meeting of a committee or a board when the House is not sitting, be abolished.

Your Commissioners, in their review of the Legislature Internal Economy Board regulations, note that there are a number of provisions whereby Members are entitled to claim meal and accommodation expense which, for the most part, must be supported by proper receipts for such expenses claimed. There are, however, a number of provisions which do afford Members of the Assembly the right to recover expenses for meals and other reasonable expenses incurred for the purpose of attending such meeting, without receipts. In each case however, there is a cap on the amount that may be claimed. Your Commissioners suggest that the Internal Economy Board may wish to give some consideration to reviewing its regulations and provide that in all cases where government is paying for the expense of Members, including Members of the Executive Council, that any claim for meal and other expenses be supported by appropriate receipts.

Two other elements of support which might usefully be examined by the Internal Economy Board is the franking allowance provided to each Member and the per diem meal allowance already noted earlier in this report. Your Commissioners have not had the opportunity to gather information on these topics but given the current circumstances, the Internal Economy Board may wish to undertake a detailed examination of these two benefits.

Section 8 of the *Executive Council Act* provides that a Member of the Executive Council who is an outside Member, (that is one who lives more than 25 miles from the City of Halifax), is entitled to be reimbursed for his or her actual expenses for accommodation and other reasonable expenses incurred as a result of being in the City of Halifax while a Member of the

Executive Council. We have noted this fact in our recent reports and indeed such support for Members of the Executive Council is an accepted and reasonable thing.

Nevertheless, your Commissioners feel that in the present circumstances it would be appropriate that the Internal Economy Board establish some guidelines or criteria so that those affected by the legislation which would include all of the Members of the Executive Council and the Leader of the Opposition, are fully conversant with the wishes of the Board as it relates to the provision of the above-noted support.

This approach was taken by your Commissioners in earlier reports, particularly in connection with the supply of support to caucus offices.

Thus, we propose:

P-2 That the Internal Economy Board review the per diem meal allowance for Members as well as the franking privileges and further that it consider the establishment of criteria pursuant to Section 8 of the *Executive Council Act*.

In the Report filed your Commissioners on November 29, 1990, it contained a proposal that the office of the Legislative Counsel be reviewed by the Legislature Internal Economy Board. We have been advised that this review has not yet taken place. We note that during the past year there has been a change of the person holding the office of Speaker. We also noted the extraordinary support provided to Members by the office of the Legislative Counsel, not only during the time when the House is sitting but on a year-round basis.

Your Commissioners have been advised that the office of the Legislative Counsel is suffering from a serious shortage of secretarial assistance. At the present time, the staff of the office of the Legislative Counsel includes five lawyers, three paralegal assistants and two secretaries.

We would propose the following:

P-3 That the office of the Legislative Counsel be reviewed by the Legislature Internal Economy Board and that, notwithstanding the restraint, some assistance be provided to it to enable it to continue to present its service to the Members of the Legislative Assembly.

All Members of the Assembly and indeed all members of the general public who are familiar with it, will agree that one of the jewels contained within the Legislative Building is the Legislative Library. The library does provide the information needs of all of the Members of the Legislative Assembly and their caucus research staff. The library in the last few years has inaugurated a clipping service which has provided considerable benefits to the Members and more recently library staff have been responding to vastly increased number of requests from members of the Civil Service and the general public.

The staff of the library consists of three full-time professional librarians and three full-time support staff. This is the smallest staff of all of the provincial legislative libraries in Canada.

We would propose the following:

P-4 That the Internal Economy Board review the activities of the Legislative Library and its staff and that consideration be given to any appropriate increase in staffing that is deemed necessary.

V. SALARIES OF MEMBERS HOLDING OFFICE AND EXPENSES OF MEMBERS OF THE EXECUTIVE COUNCIL

Based upon the limitations contained in the *Public Section Compensation Restraint Act*, your Commissioners make no recommendations or proposals with respect to the salaries or expenses of Members of the Executive Council.

VI. SALARIES FOR OFFICERS OF THE HOUSE

Based upon the limitations contained in the *Public Section Compensation Restraint Act*, your Commissioners make no recommendations or proposals with respect to the salaries or expenses of the Chief Clerk, Deputy Clerk, Legislative Counsel and Sergeant-at-Arms.

VII. CONCLUSION

The *Public Sector Compensation Restraint Act* has severely constrained the activity of your Commissioners as we are bound by the provisions of that legislation. Consequently there have been no increases in any of the indemnities, allowances or salaries paid pursuant to the *House of Assembly Act* or the *Executive Council Act*. We note that while the wage restraint legislation freezes the remuneration of Members for a period of two years, in the last Report filed by the Commissioners on November 29, 1990, no increases were granted for the year 1991. Consequently Members of the House of Assembly will have, as of January 1, 1994, been without any change in their remuneration for a period of three years.

We noted in our last Report that the government was in a period of retrenchment and that Members of the Legislature had an obligation to their constituents to act in a way which provides an example to others. While the restraint legislation has effectively tied our hands for two years, we do note that not one of the Members of the House of Assembly contacted your Commissioners to indicate that they were in any way distressed by the legislation. We believe this is a strong indication of the Members' desire to act responsibly and as leaders in the efforts to achieve fiscal responsibility within Nova Scotia.

Your Commissioners continue to believe that it is a good policy to ensure that the public is aware of all of the aspects touching upon the indemnity, allowance and expenses of Members of the Legislature and of the Executive Council and, while the process this year has been extremely limited, we have endeavoured to fulfil our restricted mandate.

VIII. SUMMARY OF PROPOSALS

The Commissioners consider that a number of matters which do not clearly fall within their commission "to make an enquiry and a report respecting the indemnities, allowances and salaries to be paid..." are worthy of further consideration by those responsible for the operations of the House of Assembly. While these are not recommendations to be implemented by the Speaker, the Commissioners, after inquiry, make these proposals:

P-1 The provision for the payment of $100.00 for each day on which a Member attends a meeting of a committee or a board when the House is not sitting, be abolished.

P-2 That the Internal Economy Board review the per diem meal allowance for Members as well as the franking privileges and further that it consider the establishment of criteria pursuant to Section 8 of the *Executive Council Act*.

P-3 That the office of the Legislative Counsel be reviewed by the Legislature Internal Economy Board and that, notwithstanding the restraint, some assistance be provided to it to enable it to continue to present its service to the Members of the Legislative Assembly.

P-4 That the Internal Economy Board review the activities of the Legislative Library and its staff and that consideration be given to any appropriate increase in staffing that is deemed necessary.

LEGISLATURE INTERNAL ECONOMY BOARD REGULATION

CITATION

1 This Regulation may be cited as *Internal Economy Board Regulation 1991*.

AUTHORITY

2 This Regulation is made by the Legislature Internal Economy Board pursuant to subsection (5) of Section 49, subsection (1) of Section 51, subsection (7) of Section 53 and Section 54 of Chapter 210 of the Revised Statutes, 1989, the *House of Assembly Act*, and Section 10 of Chapter 155 of the Revised Statutes, 1989, the *Executive Council Act*.

INTERPRETATION

3 Unless otherwise stated, in this Regulation,

(a) "economy air fare" does not include expenses incurred for the private charter of aeroplanes;

(b) "recognized party" means a party represented by two or more members and which is a recognized party in accordance with the *Elections Act* and had candidates standing for election for three quarters of the seats of members in the House and which received ten per cent or more of the votes officially recorded in the latest general election of the members of the House; and

(c) other words, phrases and expressions have the same meaning as in the *House of Assembly Act*.

HOUSE INDEMNITY-ALLOWANCE-TRAVEL-EXPENSE

Indemnity-Allowance-Salary

4 (1) Each member of the House is entitled during the year 1991 to receive a member's indemnity and allowance in four equal instalments, or where the member so requests in writing of the Chairman of the Legislature Internal Economy Board, in twelve or twenty-six equal instalments, each instalment being paid at equally spaced intervals throughout the year.

(2) The Clerk, the Assistant Clerk and the Sergeant-at-Arms are eligible to draw their salaries in the same manner as the members of the House of Assembly.

Franking

5 Each member of the House is entitled to receive $3,500.00 in substitution for the franking privilege and in lieu of expenses incurred on account of postage.

Outside Member Travel

6 Subject to Section 33, each outside member, except the member of the Executive Council holding the recognized position of Premier or a member of the Executive Council having charge of a department or the member occupying the recognized position of Leader of the Opposition or a leader of a recognized party, is entitled to reimbursement for actual travelling expenses calculated in accordance with Section 34 and incurred in 1991 between the place where the outside member is ordinarily resident and the City of Halifax to attend sittings of the House.

Outside Member Allowance

7 (1) Each outside member, except the member of the Executive Council holding the recognized position of Premier or a member of the Executive Council having charge of a department or the member occupying the recognized position of leader of the Opposition or a leader of a recognized party, is entitled for attending a sitting of the House to

(a) an amount of $55.00 on account of expenses, without receipts, for each day that the outside member is in attendance at the House while the House is in session; and

(b) reimbursement in addition to that authorized by clause (a) for expenses,

(i) with proper receipts for sleeping accommodation charges only, or

(ii) notwithstanding Sections 6 and 33, for travel by the shortest and most convenient route between the place where the outside member is ordinarily resident and the place where the House ordinarily sits at the rate set out in Section 34,

incurred in attending the House while it is in session to a maximum of $80.00 per day.

(2) Notwithstanding clause (b) of subsection (1), if an outside member, other than a member of the Executive Council holding the recognized position of Premier or a member of the Executive Council having charge of a department or the member occupying the recognized position of leader of the Opposition or a leader of a recognized party, leases accommodation in the Halifax-Dartmouth Metropolitan area, that member shall be reimbursed the actual monthly rental expense as set out in the lease or $80.00 multiplied by the number of nights authorized by subsection (1), whichever is the lesser, but under no circumstances shall reimbursement be made in excess of $700.00 per month for any leased premises regardless of the number of members leasing the premises.

(3) Notwithstanding anything contained in this Section, a member shall not submit a claim for travel more often than once every two weeks in respect of payments to be made pursuant to this Section.

Non-Outside Member and Outside Member of Executive Council Allowance

8 Each non-outside member, and each outside member who is a member of the Executive Council or the member occupying the recognized position of Leader of the Opposition or a leader of a recognized party and not entitled to submit a claim pursuant to Section 7, is entitled to an amount of $40.00, without receipts, for expenses for each day that the member is in attendance at the House while the House is in session.

Committee Fee

9 (1) The Chairman and each member of each Standing, Select and Special Committee of the House and the Legislature Internal Economy Board is entitled to receive a payment of $100.00 for each day on which the member attends a meeting of a Committee or the Board when the House is not sitting or the meeting is held outside the Halifax-Dartmouth metropolitan area.

(2) Notwithstanding subsection (1), no member shall receive more than one payment pursuant to subsection (1) for a day for attending more than one meeting of a Standing, Select or Special Committee of the House or the Legislature Internal Economy Board on the same day at the same place or, in the case of the Halifax-Dartmouth metropolitan area, in the Halifax-Dartmouth metropolitan area.

Committee Chairmen

10 The Chairman of each Standing Committee, each Select Committee and each Special Committee of the House is entitled to payment as follows:

(a) Law Amendments Committee - $1,500.00;

(b) Private and Local Bills Committee, Industry Committee and Public Accounts Committee - $1,000.00;

(c) all other Standing Committees of the House - $500.00;

(d) each Special Committee and each Select Committee - $1,500.00.

Committee Expenses

11 (1) For attendance at a meeting referred to in Section 9, the Chairman or member is entitled to receive reimbursement for

(a) actual expenses incurred in respect of accommodation, meals and other reasonable expenses incurred for the purpose of attending the meeting; and

(b) travelling expenses calculated in accordance with Section 34.

(2) Sleeping accommodation charges incurred and claimed pursuant to subsection (1) shall

(a) be accompanied by proper receipts; and

(b) not exceed the government rate for the establishment where the member stayed.

House Leaders

12 (1) A payment of $5,000.00 shall be made to the House Leader.

(2) A payment of $3,000.00 shall be made to the Deputy House Leader.

(3) A payment of $2,000.00 shall be made to the person recognized by the Speaker as occupying the position of House Leader of the Official Opposition.

(4) The Whip of each recognized party of the House shall receive a payment determined by multiplying the number of members of the party by $85.00.

(5) The Caucus Chairman of each recognized party of the House shall receive a payment determined by multiplying the number of members of the party by $85.00.

(6) In this Section, "member" means a duly elected member of the House but does not include the Speaker.

(7) If a payment is made pursuant to this Section to a member in the capacity of House Leader, Deputy House Leader, House Leader of the Official Opposition, Whip or Caucus Chairman, no further payment may be made pursuant to this Section in respect of that position.

CAUCUS

13 (1) In order to promote the intent of the *House of Assembly Act* with respect to support services for caucus offices during the year 1991, a sum shall be paid, at such level as is determined from time to time by the Legislature Internal Economy Board, to each caucus office set forth below sufficient to provide

(a) the Government Caucus Office with five secretaries, one Director of Research, one Researcher, one Assistant Researcher and one Office Manager;

(b) the Office of the Leader of the Opposition and the Official Opposition Caucus Office with nine secretaries, one Director of Research, one Research Assistant, four researchers, one senior assistant or senior secretary, two receptionists, one Office Manager and one Director of Policy and Research; and

(c) the Office of the Leader of a Recognized Party and the caucus office of the recognized party namely the New Democratic Party with one secretary, one research assistant, one senior assistant or senior secretary, one receptionist and one Office Manager,

and such further sum as is determined from time to time by the Legislature Internal Economy Board in accordance with the budget approved by the House of Assembly.

(2) Members of the Government Caucus, members of the Caucus of the Official Opposition and members of the caucus of each recognized party are eligible for reimbursement, pursuant to subsections (4) and (5), for a maximum of four trips to attend caucus meetings held in the Province outside the City of Halifax during the year 1991.

(3) In lieu of each of one or more of the caucus meetings referred to in subsection (2), members of the Government Caucus, members of the Caucus of the Official Opposition and members of the caucus of each recognized party may be reimbursed in accordance with subsections (4) and (5) and Section 26 for a trip to attend a task force meeting anywhere within the Province where the task force meets in one location only and is for a maximum of two nights.

(4) A member attending a caucus meeting pursuant to subsection (2) or a task force meeting pursuant to subsection (3) is entitled to receive reimbursement for

(a) an amount of $55.00 on account of expenses, without receipts, for meals and other reasonable expenses incurred for the purpose of attending the meeting or actual expenses for meals and other reasonable expenses;

(b) actual expenses incurred in respect of accommodation; and

(c) travelling expenses calculated in accordance with Section 34.

(5) Sleeping accommodation charges incurred and claimed pursuant to subsection (4) shall

(a) be accompanied by proper receipts; and

(b) not exceed the government rate for the establishment where the member stayed.

Caucus Chairmen - Expenses

14 Where the Chairman of a Caucus is an outside member, that member is entitled to claim and to be paid, in addition to any other expenses allowed the Chairman, the same allowance and reimbursement authorized for an outside member for twelve return trips between the place where the Chairman is ordinarily resident and the City of Halifax.

LEADER OF OPPOSITION

Expenses within the Province

15 The member occupying the recognized position of Leader of the Official Opposition, in carrying out official duties within the Province, is entitled to be reimbursed for actual and reasonable expenses incurred for accommodation, meals, travel and incidentals incurred by the Leader and one assistant.

Special Travel

16 In addition to the entitlement authorized by Section 27, the Leader of the Official Opposition is entitled to be reimbursed for actual and reasonable expenses incurred for accommodation, meals, travel and incidentals incurred by the Leader and one assistant in carrying out official duties outside the Province on two separate occasions during the period from January 1, 1991, to December 31, 1991, subject to the restriction that on each occasion reimbursement shall not exceed expenses incurred for travel that includes more than three nights accommodation.

Living Allowance

17 The member occupying the recognized position of Leader of the Official Opposition, as an outside member, shall receive an allowance equivalent to that provided pursuant to the *Executive Council Act* to members of the Executive Council for living expenses within the City of Halifax.

Motor Vehicle

18 The member occupying the recognized position of Leader of the Official Opposition is entitled to a leased motor vehicle on the same basis as is a member of the Executive Council for a government leased or purchased motor vehicle.

LEADER OF RECOGNIZED PARTY

Expenses within the Province

19 A leader of a recognized party in carrying out official duties within the Province is entitled to be reimbursed for actual and reasonable expenses for accommodation, meals, travel and incidentals incurred by the leader and one assistant.

Special Travel

20 In addition to the entitlement authorized by Section 27, the leader of a recognized party is entitled to be reimbursed for actual and reasonable expenses incurred for accommodation, meals, travel and incidentals incurred by the leader in carrying out official duties outside the Province on two separate occasions during the period from January 1, 1991, to December 31, 1991, subject to the restriction that on each occasion reimbursement shall not exceed expenses incurred for travel that includes more than three nights accommodation.

CHIEF CLERK

Salary

21 The Chief Clerk shall be paid a salary of $40,404.00 per annum.

ASSISTANT CLERK

Salary

22 The Assistant Clerk shall be paid a salary of $34,070.00 per annum.

SERGEANT-AT-ARMS

Salary

23 The Sergeant-at-Arms shall be paid a salary of $40,000.00 per annum.

CONSTITUENCY MATTERS

Travel

24 (1) Each member of the House who is not an outside member is entitled to receive $2,300.00 in lieu of expenses incurred on account of travel within the member's constituency.

(2) Each member of the House who is an outside member is entitled to receive $3,400.00 in lieu of expenses incurred on account of travel within the member's constituency.

Services

25 (1) Each member of the House is entitled to receive the sum of $300.00 per month in lieu of expenses incurred on account of services to that member's constituency and a further sum not exceeding $1,900.00 per month for expenses accounted for by proper receipt and incurred on account of services in that member's constituency for the provision of office space, meeting places, equipment, telephone, telephone answering services, advertising and secretarial services.

(2) Where the maximum amount that may be claimed pursuant to subsection (1) is not claimed in any month the unclaimed balance may be claimed in a subsequent month.

(3) Expenses in excess of $500 per year incurred for the purchase of office furniture and equipment are not expenses for which a member may be reimbursed pursuant to this Section.

(4) Expenses incurred for the lease or the lease-purchase of office furniture and equipment are expenses for which a member may be reimbursed pursuant to this Section.

(5) Notwithstanding anything contained in this Section, a member shall not submit more than one expense claim in a month in respect of all payments made pursuant to this Section for a month.

Attendance at Halifax

26 (1) Subject to Section 33, each outside member, except the member of the Executive Council holding the recognized position of Premier or a member of the Executive Council having charge of a department or the member occupying the recognized position of Leader of the Opposition or a leader of a recognized party, is entitled to

(a) an allowance of $55.00 on account of expenses, without receipts, for each day; and

(b) reimbursement in addition to that authorized by clause (a) for travelling expenses calculated in accordance with Section 34 and expenses for sleeping accommodation charges incurred,

for return trips between the place where the member is ordinarily resident and the City of Halifax to attend in Halifax other than to attend a sitting of the House or one of its committees.

(2) Sleeping accommodation charges incurred and claimed pursuant to subsection (1) shall

(a) be accompanied by proper receipts;

(b) not be for more than two nights accommodation unless approved in advance by the Chairman of the Legislature Internal Economy Board; and

(c) not exceed the government rate for the establishment where the member stayed.

(3) Notwithstanding subsection (2) and clause (b) of subsection (1), if an outside member, other than a member of the Executive Council holding the recognized position of Premier or a member of the Executive Council having charge of a department or the member occupying the recognized position of leader of the Opposition or a leader of a recognized party, leases accommodation in the Halifax-Dartmouth Metropolitan area, that member shall be reimbursed the actual monthly rental expense as set out in the lease or $80.00 multiplied by the number of nights authorized by subsection (1), whichever is the lesser, but under no circumstances shall reimbursement be made in excess of $700.00 per month for any leased premises regardless of the number of members leasing the premises.

Attendance at Ottawa

27 (1) Each member is entitled to

(a) an allowance of $80.00 on account of expenses, without receipts, for each day; and

(b) reimbursement in addition to that authorized by clause (a) for economy air fare, normal airline ground transportation and expenses for sleeping accommodation charges incurred,

for two return trips between the place where the member is ordinarily resident and the City of Ottawa to attend in Ottawa on constituency business.

(2) Sleeping accommodation charges incurred and claimed pursuant to subsection (1) shall

(a) be accompanied by proper receipts;

(b) not be for more than two nights accommodation; and

(c) not exceed the government rate for the establishment where the member stayed.

Attendance Outside the Province Other than Ottawa

28 (1) Where a member is not reimbursed pursuant to Section 27 for any return trips between the place where the member is ordinarily resident and the City of Ottawa on constituency business, that member is entitled to

(a) an allowance of $80.00 on account of expenses, without receipts, for each day; and

(b) reimbursement, in addition to that authorized by clause (a), for economy air fare, normal airline ground transportation and expenses for sleeping accommodation charges incurred,

for one return trip between the place where the member is ordinarily resident and another place in Canada outside the Province to attend that other place on constituency business.

(2) Sleeping accommodation charges incurred and claimed pursuant to subsection (1) shall

(a) be accompanied by proper receipts;

(b) not be for more than two nights accommodation; and

(c) not exceed the government rate for the establishment where the member stayed.

(3) Notwithstanding subsections (1) and (2), the member is not entitled to an amount pursuant to this Section for economy air fare charges in excess of that to which the member would have been entitled pursuant to Section 27.

Other Attendance Outside the Province

29 (1) Where a member is not reimbursed pursuant to Section 27 for more than one return trip between the place where the member is ordinarily resident and the City of Ottawa on constituency business, that member is entitled to

(a) an allowance of $80.00 on account of expenses, without receipts, for each day; and

(b) reimbursement, in addition to that authorized by clause (a), for economy air fare, normal airline ground transportation and expenses for sleeping accommodation charges incurred,

for one return trip between the place where the member is ordinarily resident and another place in Canada outside the Province to attend that other place on constituency business.

(2) Sleeping accommodation charges incurred and claimed pursuant to subsection (1) shall

(a) be accompanied by proper receipts;

(b) not be for more than two nights accommodation; and

(c) not exceed the government rate for the establishment where the member stayed.

(3) Notwithstanding subsections (1) and (2), the member is not entitled to an amount pursuant to this Section for economy air fare charges in excess of one-half of that to which the member would have been entitled pursuant to Section 27.

Attendance at Authorized Parliamentary or Legislative Meetings

30 (1) Each member is entitled to

(a) an allowance of $80.00 on account of expenses, without receipts, for each day; and

(b) reimbursement in addition to that authorized by clause (a) for economy air fare, normal airline ground transportation and expenses for sleeping accommodation charges incurred if the sleeping accommodation charges are

(i) accompanied by proper receipts,

(ii) not for more than two nights accommodation, and

(iii) do not exceed the government rate for the establishment where the member stayed,

unless determined otherwise by the Chairman of the Legislature Internal Economy Board for return trips between the place where the member is ordinarily resident and another place to attend at that other place a meeting of the Commonwealth Parliamentary Association or a meeting of any other parliamentary or legislative group, if prior approval of the Chairman of the Legislature Internal Economy Board is obtained prior to the incurring of the expenses.

Expenses of Critics

31 Persons occupying the position of critic of a Department or agency of Government are entitled to reimbursement for actual and reasonable expenses for accommodation, meals, travel and incidentals incurred by the critic for attending not more than two meetings per year within the Province which meetings are necessarily incidental to the duties of the critic if prior approval of the Chairman of the Legislature Internal Economy Board is obtained prior to the incurring of the expenses.

Legislature Internal Economy Board

32 (1) The Chairman of the Legislature Internal Economy Board is entitled to a payment of $1,500.00.

(2) The Chairman and each member of the Legislature Internal Economy Board is entitled to expenses for meetings of the Legislature Internal Economy Board on the same basis and in the same manner as a member of a committee reimbursed pursuant to Section 11.

GENERAL

Restriction

33 (1) No member shall be reimbursed for travel expenses authorized by Sections 6, 13 and 26 in excess of fifty-two return trips in 1991 between the place where the member is ordinarily resident and the City of Halifax to attend in Halifax, other than for attendance at a meeting of a Select Committee, a Special Committee or a Standing Committee.

(2) If an outside member, other than a member of the Executive Council holding the recognized position of Premier or a member of the Executive Council having charge of a department or the member occupying the recognized position of leader of the Opposition or a leader of a recognized party, leases accommodation in the Halifax-Dartmouth Metropolitan area on a yearly basis, that member shall be reimbursed the actual monthly rental expense as set out in the lease or $700.00 per month, whichever is the lesser, but under no circumstances shall reimbursement be made in excess of $700.00 per month for any leased premises regardless of the number of members leasing the premises and those members shall receive no reimbursement for sleeping accommodation charges authorized by Sections 7 and 26.

Calculation of Travel Expense

34 Each outside member of the House, the member occupying the recognized position of Leader of the Opposition and a leader of a recognized party entitled under the *House of Assembly Act* to receive travelling expenses is entitled to be reimbursed for claimed travelling expenses incurred out of the Consolidated Fund of the Province for travel by the shortest and most convenient route between the place where the member is ordinarily resident and the place where the House ordinarily sits or the Committee is meeting at

(a) the rate of 29.1 cents per kilometre; or

(b) the cost of economy air fare plus normal airline ground transportation.

Request for Reimbursement

35 A person who makes a request for payment or reimbursement shall

(a) make the request in writing on the form provided by the Legislature Internal Economy Board;

(b) make the request within six months from the time the payment or claim for which reimbursement is made was incurred or became eligible to be paid;

(c) sign the request and certify that the request is correct; and

(d) forward the request to the office of the Speaker.

Limitation on Reimbursement

36 Notwithstanding anything contained in this Regulation, no member may claim for reimbursement an expense

(a) for which the member is reimbursed pursuant to another regulation or enactment;

(b) paid to the member's spouse, child, parent, brother or sister;

(c) paid to a person living in the same dwelling, as a member of the same household;

(d) paid to any business or on account of property in which the member or those persons mentioned in clause (b) or (c) have an ownership interest.

Payment Approval

37 (1) Directions for payment of indemnities, allowances, payments or reimbursements and approval of requests for payment or reimbursement shall be issued or made by the Chairman of the Legislature Internal Economy Board, the Vice-chairman or a person designated by the Chairman.

(2) The person who approves a request for payment or reimbursement has the authority to reduce or increase the amount of the payment or reimbursement claimed where that person determines that the amount claimed is in error.

Application

38 All Sections of this Regulation apply from the first day of January, 1991, to the thirty-first day of December, 1991, and are a replacement for provisions in a previous Regulation to the extent that it would otherwise apply to this period.

Approved by the Legislature Internal Economy Board at Halifax, Nova Scotia this 19th day of December, 1990.

Arthur R. Donahoe

Hon. Arthur R. Donahoe, Q.C.
Chairman

LEGISLATURE INTERNAL ECONOMY BOARD REGULATION

CITATION

1 This Regulation may be cited as *Internal Economy Board Regulation 1991A*.

AUTHORITY

2 This Regulation is made by the Legislature Internal Economy Board, pursuant to subsection (5) of Section 49, subsection (1) of Section 51, subsection (7) of Section 53 and Section 54 of Chapter 210 of the Revised Statutes, 1989, the *House of Assembly Act*, and Section 10 of Chapter 155 of the Revised Statutes, 1989, the *Executive Council Act*.

INTERPRETATION

3 Unless otherwise stated, in this Regulation,

(a) "economy air fare" does not include expenses incurred for the private charter of aeroplanes;

(b) "recognized party" means a party represented by two or more members and which is a recognized party in accordance with the *Elections Act* and had candidates standing for election for three quarters of the seats of members in the House and which received ten per cent or more of the votes officially recorded in the latest general election of the members of the House; and

(c) other words, phrases and expressions have the same meaning as in the *House of Assembly Act*.

4 (1) Subsection (1) of Section 7 of Internal Economy Board Regulation 1991 is amended by striking out the figures "80.00" in the last line thereof and substituting therefor the figures "85.00".

(2) Subsection (2) of said Section 7 is repealed.

(3) Subsection (3) of said Section 7 is renumbered as "(2)".

5 Internal Economy Board Regulation 1991 is further amended by adding immediately following Section 7 thereof the following Section:

Leased Premises

7A (1) An outside member, other than a member of the Executive Council holding the recognized position of Premier or a member of the Executive Council having charge of a department or the member occupying the recognized position of leader of the Oppposition or a leader of a recognized party, who leases accommodation in the Halifax-Dartmouth Metropolitan area, shall be reimbursed $700.00 per month or the actual monthly rental expense as set out in the lease, whichever is the lesser.

(2) If two or more members are leasing the same premises pursuant to subsection (1), each member shall be reimbursed $700.00 per month, but under no circumstances shall reimbursement be made in excess of the monthly rental expense as set out in the lease.

(3) If a member is reimbursed for leased premises pursuant to this Section, the member shall not be reimbursed for sleeping accommodation charges pursuant to Sections 7 or 26.

6 Internal Economy Board Regulation 1991 is further amended by adding immediately following Section 20 thereof the following heading and Section:

MEMBER FOR DARTMOUTH SOUTH

Support Services

20A (1) The member for Dartmouth South shall be provided with

(a) office space not exceeding three hundred square feet;

(b) one secretary at the Civil Service classification AS(6);

(c) office furniture necessary to furnish the office for the member and one secretary;

(d) one telephone line;

(e) one typewriter; and

(f) reasonable postage.

(2) Should there be any question arising from subsection (1) in respect of the office of the member for Dartmouth South concerning

(a) the selection of space;

(b) the level of the secretary within the AS(6) classification;

(c) the selection or amount of furniture;

(d) the selection of a typewriter; or

(e) reasonable postage,

such question shall be determined by the Chairman of the Legislature Internal Economy Board.

(3) The member for Dartmouth South may incur and be reimbursed for long distance telephone charges for telephone calls made from the office telephone in respect of House or constituency business.

7 Subsection (3) of Section 26 of Internal Economy Board Regulation 1991 is repealed.

8 Subsection (1) of Section 27 of Internal Economy Board Regulation 1991 is amended by striking out the word "two" in the seventh line thereof and substituting therefor the word "one".

9 Subsection (1) of Section 28 of Internal Economy Board Regulation 1991 is amended by striking out the words "any return trips" in the first and second lines thereof and substituting therefor the words "a return trip".

10 Section 29 of Internal Economy Board Regulation 1991 is repealed.

11 Section 33 of Internal Economy Board Regulation 1991 is amended by

(a) striking out the symbols and figure "(1)" immediately following the Section number thereof; and

(b) repealing subsection (2) thereof.

12 (1) This regulation is effective on, for and after the 1st day of January 1991, and any provision contained herein are in substitution for any provision of those regulations made by the Legislature Internal Economy Board on the 19th day of December, 1990.

(2) Notwithstanding subsection (1), a member who has been compensated prior to the date this Regulation is approved in accordance with Sections 27, 28 or 29 of Internal Economy Board Regulation 1991 in accordance with that Regulation approved on the 19th Day of December, 1990, shall not be adversely affected by this Regulation.

Approved by the Legislature Internal Economy Board at Halifax, Nova Scotia this 8th day of May, 1991.

Hon. Ronald S. Russell, C. D.
Chairman

House of Assembly
Nova Scotia

Report

Commission of Inquiry
on
Remuneration of Elected
Provincial Officials

November 29, 1991

Commission of Inquiry
on
Remuneration of Elected Provincial Officials

Commissioners:

George M. Mitchell, Q.C.
George L. White, LL.B.

Secretary to the Commission:
Joan M. Kelly

Post Office Box 2630
Station "M"
Halifax, N.S.
B3J 3N5

424-4432

November 29, 1991

The Honourable Ronald S. Russell, C.D.
Speaker of the House of Assembly
Province House
Halifax, Nova Scotia

Dear Mr. Speaker,

You appointed me as a Commissioner pursuant to S. 55 of the House of Assembly Act, to make an inquiry and a report respecting the allowances to be paid under the Members' Retiring Allowances Act.

Having completed the inquiry, in fulfillment of the commission assigned, the accompanying report is respectfully submitted.

Yours sincerely,

George L. White
Commissioner

NOVA SCOTIA

COMMISSION OF INQUIRY

ON

REMUNERATION OF ELECTED

PROVINCIAL OFFICIALS

NOVEMBER 29, 1991

(MEMBERS' RETIRING ALLOWANCES ACT)

I. INTRODUCTION

In accordance with Section 55 of the *House of Assembly Act*, the Speaker of the House appointed a Commission by letter dated October 1, 1991, "to make an inquiry and a report respecting the allowances to be paid under the *Members' Retiring Allowances Act*", (hereinafter referred to as the "Act").

The Superintendent of Pensions for the Province of Nova Scotia, namely Mr. Percy Fleet, the Director of Public Service Pensions, Department of Finance, Mr. Gordon Sturdy and the Legislative Counsel, Mr. Graham Walker, Q.C., have been of assistance to the Commission in the course of carrying out its duties.

Any Recommendations contained in this Report would be made with the expectation they will be acted upon effective January 1, 1992, pursuant to Section 55 of the *House of Assembly Act*.

II. RESTRAINT LEGISLATION

The *Public Sector Compensation Restraint Act* (hereafter referred to as "*the Restraint Act*"), Part II provides the indemnities, allowances and salaries paid pursuant to the *Executive Council Act* and the *House of Assembly Act* immediately before the coming into force of the *Restraint Act* are continued until the 1st day of January, 1994 without change. The *Restraint Act* does not expressly limit or prohibit changes or improvements to retiring allowances in the *Act*.

It is clear that the purpose of the *Restraint Act* is

to restrict changes in public service compensation plans. Members of the Legislature should be subject to the same restraint as applies to others in the public sector.

The provisions respecting retiring allowances were reviewed in detail each of the last two years by this Inquiry Commission based on four guiding principles - financial security, public accountability, equity and accessibility.

Consequently, it is the view of your Commissioner that it would be inappropriate to recommend any changes in members retiring allowances at this time. For clarification, the Commission recommends:

> MRA 91-1
>
> Effective January 1, 1992, payments be made under the *Act* in accordance with the provisions of the *Act* and Recommendations of earlier Inquiry Commissions as if the *Public Service Compensation Restraint Act* applies.

Further information regarding the terms and provisions of the retiring allowances for members is contained in the November 29, 1990 report of this Inquiry Commission.

The Recommendation in this report pertains to allowances paid to members and former members, including the portion of the allowances that applies to those members or former members in respect of their service as Premier, Leader of the Opposition, Leader of a recognized party, or Member of the Executive Council.